

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 13-10406

---

United States Court of Appeals  
Fifth Circuit

**FILED**

December 19, 2013

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DANIEL BERNARDINO,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:12-CV-639

---

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:\*

Daniel Bernardino, federal prisoner # 39031-177, requests a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion challenging his 78-month term of imprisonment for smuggling goods from the United States in violation of 18 U.S.C. § 554(a).

"This Court must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement."

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 13-10406

*Bowles v. Russell*, 551 U.S. 205, 214 (2007). Because Bernardino did not file a timely notice of appeal, his appeal is dismissed for lack of jurisdiction. *See id.*

**COA DENIED. APPEAL DISMISSED.**